

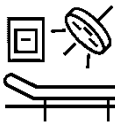



## Outpatient Surgery Regulations Fact Sheet

State of Maryland regulations [COMAR 10.24.11](#) establish health policies that guides the Maryland Health Care Commission (MHCC) in regulating general surgical services performed across the state. These regulations define and explain the steps a facility must follow in order to provide surgical services in either an inpatient or outpatient setting.

Maryland is a “**Certificate of Need**” state. This means that the facility must present an application to the MHCC before receiving a license for providing surgical services. Ambulatory surgical facilities also require licensing by the Office of Health Care Quality (OHCQ). Additionally, the facility must have a certification from the Centers for Medicare and Medicaid Services (CMS) if the facility plans to receive reimbursement from the federal payer.

It is important to know the differences between facility types so that you can make the best decision for your healthcare needs. The graphic below explains the differences between each type of surgical setting.

Inpatient	Outpatient		
			
	Hospital Outpatient Department (HOPD)	Ambulatory Surgical Facility (ASF)	Physician Outpatient Surgery Center (POSC)
<ul style="list-style-type: none"> <li>Requires overnight stay in hospital</li> <li>Does not have limit on number of operating rooms</li> <li>Requires CON to be established</li> </ul>	<ul style="list-style-type: none"> <li>Does not require overnight stay</li> <li>Does not have a limit on the number of operating rooms</li> <li>Requires CON to be established</li> <li>Can be located on or off a hospital campus</li> </ul>	<ul style="list-style-type: none"> <li>Does not require overnight stay</li> <li>Has at least three or more operating rooms</li> <li>Requires CON to be established</li> <li>Typically a stand-alone facility</li> </ul>	<ul style="list-style-type: none"> <li>Does not require overnight stay</li> <li>Limit to no more than two operating rooms</li> <li>Does not require a CON (but rather a Determination of Coverage)</li> <li>Typically a stand-alone facility</li> </ul>

If you believe you or your loved one received poor care that resulted in avoidable harm at surgical center, you can file a complaint with OHCQ – [state complaint form](#) or with CMS – [federal complaint form](#).

Determining which setting is best for you or your love one to receive surgery depends on multiple factors and you can learn more by reviewing the “Preparing for Surgery” fact sheet.